

Response

Applicant: Craig R. White

Serial No.: 09/977,687

Filed: October 16, 2001

Docket No.: 10011785-1

Title: CENTRALIZED BILLING CREDIT SYSTEM UTILIZING A PREDETERMINED UNIT OF USAGE

REMARKS

The following Remarks are made in response to the Non-Final Office Action mailed August 18, 2008, in which claims 1-8 and 21-26 were rejected.

Claims 1-8 and 21-26 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 103

Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi U.S. Patent No. 6,385,675 in view of Asawaka U.S. Publication No. 2003/0010818.

Claims 5-6, 8, and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi U.S. Patent No. 6,385,675 and Asawaka U.S. Publication No. 2003/0010818, further in view of Okuda et al. U.S. Patent No. 7,034,952.

The Asawaka reference has a publication date of January 16, 2003 and a filing date of July 13, 2001. The present application has a filing date of October 16, 2001. While the Asawaka reference has a filing date **before** the filing date of the present application, the publication date of the Asawaka reference is **after** the filing date of the present application. As such, the Asawaka reference is classified as a 35 U.S.C. 102(e) reference.

The present U.S. Patent Application No. 09/977,687 and the Asawaka US Patent Application Publication No. 2003/0010818 were, at the time the invention of the present U.S. Patent Application No. 09/977,687 was made, owned by Hewlett-Packard Company.

As the Asawaka reference only qualifies as prior art under 35 U.S.C. 102(e) and the Asawaka reference was used in an obviousness rejection under 35 U.S.C. 103(a) and common ownership of the present application and the Asawaka reference has been established, Applicant submits that under the prior art exclusion of 35 U.S.C. 103(c), the Asawaka reference does not qualify as a 35 U.S.C. 102(e) reference in the obviousness rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(3). See also MPEP § 706.07(a). Applicant, therefore, respectfully requests that the rejections under 35 U.S.C. 103(a) be withdrawn and that claims 1-8 and 21-26 be allowed.

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Title: CENTRALIZED BILLING CREDIT SYSTEM UTILIZING A PREDETERMINED UNIT OF USAGE**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-8 and 21-26 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Response should be directed to either Jeff Limon at Telephone No. (541) 715-5979, Facsimile No. (541) 715-8581 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

Craig R. White,

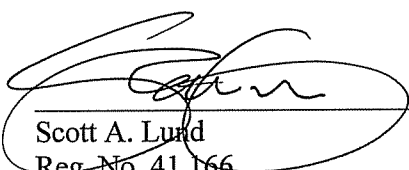
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